COUNCIL WORK MINUTES JANUARY 20, 2021

The City Council held a meeting on Wednesday, January 20, 2021, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

<u>MEMBERS PRESENT:</u> Mayor Maile Wilson Edwards; Councilmembers: Ron Adams; Terri Hartley; Craig Isom; W. Tyler Melling; Scott Phillips.

STAFF PRESENT: City Manager Paul Bittmenn; City Attorney Tyler Romeril; City Recorder Renon Savage; Finance Director Jason Norris; City Engineer Jonathan Stathis; Police Chief Darin Adams; Fire Chief Mike Phillips; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall; Project Engineer Don Davis; Project Engineer Trevor McDonald; Aquatics Manager Chris Hudson; City Planner Don Boudreau; Water Superintendent Robbie Mitchell; Lieutenant David Evans, Lieutenant Jimmy Roden.

OTHERS PRESENT: Laura Henderson, Teri Kenney, Garth O. Green, Sandy Smith, Phil Schmidt, Mike Platt, Pastor Michael Radebaugh, Ryan Talbot, Matt Bagley, TyAnne Olsen, Jim Rushton.

<u>CALL TO ORDER:</u> Pastor Michael Radebaugh of Mountain View Baptist Church gave the invocation; the pledge was led by Councilmember Melling.

<u>AGENDA ORDER APPROVAL:</u> Councilmember Isom moved to approve the agenda order; second by Councilmember Hartley; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF **COMMENTS:** ■Isom – I would like to express gratitude this evening for the incredible medical workers in this community. I am a beneficiary of their expertise and I am deeply grateful for what they do. I want to acknowledge their great power and ability to serve. I went for a follow up visit and there is a small sign that says heroes work here and I say amen to that. I am grateful for where we live and that we have access to their service. ■Phillips – we missed Councilman Isom. I would like to acknowledge today, regardless of your political stand and who you voted for, this is an important day in Americas History and we are able every 4 years to work toward forming a more perfect union, and that is what today is about. I want to thank those of this community that allow us to work together and make compromises to make the community stronger and better. Today we have a new President and we will move forward as a republic. ■Mayor – yesterday was the start of the 2021 Legislative Session, it is 45 days of chaos and seeing what will impact cities and the lives of our residents. This year it is starting different with the session being remote as the Capitol is closed. There are a number of bills, and as published we will bring them to Council. Follow the League emails because there will be a lot of issues coming this session from what I have been told and what has happened in the past 2 days. Citizen Commendation for Mason Hunt. Chief Adams – tonight we are paying tribute for the efforts of 2 citizens. On December 20, 2020, Mason Hunt was visiting his brother when he was summoned by a frantic neighbor concerning her husband and a gunshot wound he had just suffered in the neck. Mason Hunt acted immediately. With the assistance of Robert Hunt, he was able to assess the wound, apply pressure to stop the bleeding using improvised first aid equipment, gather pertinent information and help the distraught wife. Life-saving measures continued until on-duty

officers and EMS personnel arrived. The swift thinking and decisive actions of Mason Hunt saved the life of his fellow citizen. Both are heroes. The Police Department Citizen Accommodation is part of the awards program and is given to Mason Hunt, United States Marine Corp., the Department Lifesaving award is given to officer Robert Hunt. I am extremely proud of these two gentlemen. Officer Hunt is an asset to our Department. Mother - I am extremely proud of my sons. ■Jonathan Stathis - in Council last week there was a question about the plant hangers on Center Street. There are 5 hangers on the south side of Center going west and 5 more available that will be installed closer to summer season. That leaves 8 that will not have hangers. The cost is \$150 each, \$1,200 to finish the 8 others. The Parks Department would like to have a few spares. To buy 10 it would be \$1,500. We feel we have money in the tree grates money if you want us to purchase those. Phillips - we should complete the project. Mayor - are they back in stock? Jonathan - we will have them fabricated here locally. ■Paul - Council Retreat will be February 22nd at the Southwest Applied Technology College. Mayor - part of going there they have a program where we will participate in their programs. It will be community partners working together. It will help with their programming and they will help us with cost saving measures.

<u>PUBLIC COMMENTS:</u> ■no public comments.

CONSIDER VICINITY PLAN FOR THE GARDEN TERRACE TOWNHOMES LOCATED AT 331 NORTH 100 WEST. PLATT & PLATT/DON BOUDREAU:

Michael Platt, Platt & Platt Engineering – this is located at 100 West 331 North, they are looking to develop the portion to the back of the Allstate building. They want to put residential townhomes with a commercial unit in the front for his family business office. Phillips – we have gone through the Fire Department. Mike – this project started last year, and we have gone through everything. Phillips – will they be rentals? Mike – at first it was going to be apartment complexes. They decided to make a PUD so if they decide to sell they can. Consent.

PUBLIC HEARING TO CONSIDER AN ORDINANCE ADOPTING AN IMPACT FEE FACILITY PLAN; IMPACT FEE ANALYSIS; AND SETTING IMPACT FEE RATES FOR PARKS AND RECREATION, PUBLIC SAFETY, WATER, ROADS, STORM DRAIN, AND WASTEWATER. LEWIS YOUNG ROBERTSON & BURNINGHAM INC.: Paul – tonight is the public hearing. Next week the question will be if you want to adopt the study, it is the impact analysis and facilities plan and where you want to set the rate. The study shows the maximum possible rate, you cannot go over, but you don't have to go that high.

Mayor-after we got this, we sent it to the Board of Realtors and Home Builders and met with them and answered questions.

Phillips – on the plan itself, if adopted, what is the duration? Tyler - how I wrote the ordinance, it would be good for approximately 5 years so the staff could start the process in 4 years, but it could change. Paul – the plan looks at 20 years. When we first enacted impact fees in the 90's we left them alone for a long time. When we looked again, we raised them too high. In 2011 we readjusted them and at that time the Council did not want to wait forever, but to review and look at them more frequently. The written ordinance says 5 years,

the plan says 20 years, staff's direction currently is 5-8 years to start the process again. Mayor – if they adopted, what two will have to be lowered? Paul – Police and Storm Water.

Hartley – on the study I had a question, on the 5 years would we redo the entire study or review the rates? Paul – you can give direction, the direction from the previous council was to commission the study, but not let them set forever, I think it was 8 years to go through the RFP and another 1.5 years to get the study. Melling – if we review in the future, this sets the maximum, but to increase the rates above the study it would be a new study. Paul – you want to do a new study to see if rates come down. Typically, they don't go down. Mayor another important thing we have noted over the years, to be impact fee eligible it has to be in the study, that is one reason to update and not let it get stale. Different infrastructure and things that come about it has to be in the plan. We have run into that in the past with different projects. That is one benefit to look at it to look at the city in the future. Everything we bring to you in the budget is the costs and if it is impact fee eligible. Hartley – are we looking at 10-20 years not to expand anything for the Police Department? If we look at the study in 5 years that would address it. The other thing is water; it is drilling water, distribution lines and tanks. Nothing for future water development is not in the study. Paul – as needs change, you can commission a discreet portion and analyze. If the City teams up with the Water Conservancy District, Enoch, and Kanarraville and import water and have to figure costs we commission that portion of the study to find the costs. Hartley – I like the 5-year timeline. Mayor – since we don't know what we are going to do, if we put all options in the impact fees would skyrocket. We don't want to portray and then back pedal. When we have a plan, we can reevaluate. At this point it doesn't make sense to put that in. Hartley – we don't have to apply a certain percentage increase if we do decide to increase, can we pick and choose different categories? Paul – you just can't go over what the study says, you can mix and match or do something uniform. Mayor - I don't know where the 15% came from. Paul - it was with the last council. The council talked it out and came to the 15%.

Mayor Edwards opened the public hearing.

Ryan Talbot, Executive Officer for the Iron County Home Busilders Association. – I would like to thank the Mayor, Councilmembers and staff for your continued efforts to work with us on matters that are important to the building industry and our community. It is greatly appreciated. My comments of impact fees will be brief as we have previously had discussions on the matter. The issue of increased impact fees is difficult in every building environment, especially at the present. As many are aware, there was a surge in lumber prices in 2020. This spike in price has caused the average single-family home price for just lumber to increase by \$16,148 during that time. In addition, other building materials are jumping upwards of 10% at our local level. The combination of these costs along with an increase impact fee will cause serious long-term problems for our membership, our residents working towards affordable home ownership, and everyone associated with the building and real estate industry here in Cedar City.

We understand the need for continual infrastructure growth as the City continues to increase in size. We do not oppose reasonable, prudent increase as it becomes necessary to help with this growth. We ask that the current issue of affordable housing and skyrocketing building

materials be considered as you deliberate possible increases. We appreciate your efforts over the past years in this regard.

Phil Schmidt – I have been in construction for over 25 years and been through rate hikes. Affordable housing is a big deal and if you do maximum rate hikes you will disqualify homeowners or put pressure on the contractors. Please look at the costs, they have to be absorbed by someone. I am on the Iron County Planning Commission and we have been working for affordable housing, including road widths. As you know affordable housing is tough right now. Please consider this. I work with all the city people, water, sewer, roads and I know they have to continue in their work. Please think about those that can't afford a house and the contractors that will have to reduce prices. We want good infrastructure but be wise in what you do. Not only the growth, but the people it will affect, because it will be everybody.

Matt Bagley, local realtor in Cedar City. Home ownership is essential to the strength and health of any city or community, and the fact affordability is a big issue it is concerning to think of making it worse. As we meet with clients looking for homes, local people, it is a greater challenge as demand increases. With the consideration of raising impact fees to those without a possibility other than building. The alternative is for those individuals to continue to rent. The UAR conducted a study and the children in a rental household are less successful, test scores less desirable than those that are homeowners, that is a negative impact. It is my plea knowing there is a need for infrastructure to increase and expand, but to take the most conservative approach possible. I now it is unavoidable at some point but be as conservative as possible. Phillips – do you have access to that study so you can send it to us? Matt – I will check. I gave you a summary when we met a few months ago.

Verl Prestwich, I have not read the study, but have experience with renting and it is interesting how many women with children want to rent. In the State women's salaries are lower than men. You have to raise impact fees, but also the salaries for women. They want to rent, have 3 kids and are single and it is very difficult.

Paul – as far as the rates go, if you would like to come in during the week and we can pull a spread sheet and run rates on all the different rate schedules, or email them to me I will compile them to see if there are similarities.

Melling – one of the things I was not sure on is the commercial, industrial, agriculture based on 1,000 square feet, what defines agriculture, what is included and what is not. Paul – I am not sure when we accessed that, it may be a remnant from a long time ago. The City, the way our zoning ordinance is set up is not for agriculture uses, that is in the County.

Isom – from an auditors perspective it states if all or portion of RFP is amended the certification is no longer valid. Are we ok with a sunset on the high end as long as it is across the board? Paul – when you adopt the study, you adopt more than the rates, but the things we will build and the methodology. Changing the rate does not alter that. The State said we can charge a lower rate, just not higher than is justified. Phillips – the plan with the information is appropriate and then we can determine the rate fees as long as it does not exceed the maximum rate.

The hearing closed.

Mayor – any impact fee we collect we have to spend within 6 years on an eligible project or come back to the Council with a resolution as to why. There have been a few times this has happened. We need to realize what we charge today is for infrastructure in 6 years, but don't charge beyond our ability to get a project done. We have a lot of water impact fees that will go fast when we work on wells and project, but we need to get the money out in a 6-year time frame. That is something to take into consideration when we set a fee. Phillips – as a City entity we have to have an audit of those expenses, how collected and how divvied out. Mayor – that is the underlying aspect, we don't want impact fees setting in an account beyond the 6 years. Some cities have had to refund, and we don't want to get into that situation. Phillips – we hear what is being said, we see it every day. We also need to provide the infrastructure and keep it safe and viable. We will be careful in how we approach it, but we will look close at what needs to be done in the next 8 years. We need water, streets, streetlights, etc. we will look careful over the next week and hopefully come back with something that will work.

REVIEW BIDS FOR FLOATING DOCK WITH ADA KAYAK LAUNCH FOR THE LAKE AT THE HILLS. KEN NIELSON/CHRIS HUDSON: Chris Hudson, Aquatic Center Manager - this was approved in the budget a few years ago, we wanted to get a grant for a larger dock. This will be a floating dock not to interfere with the liner. We did not get the matching grant, so we have \$60,000 for a smaller dock. We got two bids, Idaho Water Sports, we are recommending them, they are the low bid and it is a larger footprint for a dock. Also, it is a modular system that can be added on to in the future and easy to maintain. The product itself is innovative, and ADA kayak launch, clever system, it is attached to the side of the dock, they wheel down a ramp, a bench and a rail that extends over the kayak, the rail leaves and they paddle out and it is the same coming back in. we could also add the kayak launch later and get a larger fishing dock, so we can postpone the kayak launch and do it later. We are not renting boats right now because of COVID. Phillips - do we have to have staff there? Chris - it would be incased with a rail with curbing so wheels would not go over. If we have a launch, we will need somewhere there. Isom - where is the location? Chris we have not decided yet, one of the lowest spots on the trail that is paved, and someone needing ADA would have access. Phillips - when will they come? Chris - as soon as the lake thaws, they have the product in stock. Paul - how long to install? Chris - 3 days to a week.

Mayor – we have been looking to make the Lake ADA accessible for some time. We want them to be able to access the water. Hartley – do we leave it to the department to decide what option? Paul – if you don't have a preference, we would leave it to Chris and Ken. Phillips – we have wanted to have it ADA accessible. Chris – the dock is ADA accessible; the boat launch was for us renting boats and we are not doing that now due to COVID. Phillips – I like you guys working through it to do what will be best. Consent.

CONSIDER BIDS A WATER SYSTEM RISK & RESILIENCE ASSESSMENT 2021.

DON DAVIS: Don Davis, Project Engineer – every 6 years the EPA requires us to do a risk and resilience assessment, on water springs, chlorinators and it leads to the plan. This is due

in the summer and 6 months later an emergency response portion. We put it to bid and received two proposals, Ensign Engineering and AARC Engineering, Ensign is the winner, they are a local company so they are able to come out and hang out with Robbie and see the water infrastructure and I think that contributed to the lower costs. Phillips – should we choose whichever; the report will be generated in the summer and complete in December? Don – risk and resilience by June 30th to the EPA, and the emergency response by December 31st.

Melling – with the evaluation, how many points are geared toward the price? Don – I don't recall, I can email you the RFP to show you the scoring. Melling – that is a frustration of mine, if price is figured into the quality score. Don – scoring of the price is pretty low to get the quality in the bid. Melling – generally when doing evaluation, it would be nice to have it separate or disclosed as to what the portion is. Adams – if you look at mobilization you can tell the difference, it is thousands of dollars. Hartley – If you would send that to Renon she can get it to all of us. Consent.

CONSIDER BIDS FOR THE 16-INCH DISTRIBUTION WATER LINE EAGLE RIDGE PROJECT. TREVOR MCDONALD: Jonathan Stathis, City Engineer – this is a project for a new 16 inch distribution line from the south tank to Eagle Ridge Subdivision, we received 6 bids, John Orton Excavating is the low bid at \$626.997.31, we recommend that be awarded. Phillips – where is it located? Jonathan - it runs through Middleton property and ties in at Eagle Ridge. Phillips – will this also help with other developments? Yes. Consent.

CONSIDER MODIFICATION TO THE ORDINANCE FOR TRAFFIC AND TRAVEL ON STREETS, SECTION 35-2 TO ALLOW A 45 MPH SPEED LIMIT ON 5300 WEST BETWEEN IRON SPRINGS ROAD AND THE RAILROAD CROSSING. JONATHAN STATHIS: Jonathan Stathis, City Engineer – the Police Department requested a speed study on 5300 West, it is in Port 15 area, there is not a posted speed limit. We performed a study and it showed the 85% would be 49 mph, rounded down is 45 mph. in discussing with the Police Chief he feels it is an appropriate speed. There are some curves, one at Iron Springs Road and at the north end some curves leading into the railroad crossing. At the curves there will be a cautionary sign to slow the speed. We are recommending the speed limit be changed. Phillips – as we have more development, will the road be widened as developed? Jonathan – yes, it is a 100 ft right-of-way, as it is developed they would be required to have curb, gutter, sidewalk and widen the asphalt. Phillips – down the railroad tracks, is that where the new GoEx is going? Paul – it is beyond the railroad tracks. Jonathan – there is a road to the east past the railroad tracks and that is where it will be. Action.

<u>ADJOURN:</u> Councilmember Isom moved to adjourn at 6:35 p.m.; second by Councilmember Adams; vote unanimous.

Renon Savage, MMC

City Recorder